

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 2 FEBRUARY**  
**ADJOURNED TO 9 FEBRUARY 2017**

**Present:**                **Councillor Perry (Chairman) and Councillors Boughton, Brice, Clark, Cox, English, Harwood, Hastie, Hemsley, Munford, Powell, Prendergast and Round**  
**2 February 2017:**

**Also Present:**        **Councillors Harvey, D Mortimer and Willis**

276. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mrs Stockell.

277. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Brice was in attendance as a substitute for Councillor Mrs Stockell.

278. **NOTIFICATION OF VISITING MEMBERS**

Councillor D Mortimer indicated that he wished to speak on Item 18 - 16/506707 - 57-59 Church Street, Tovil, Kent.

Councillor Harvey stated that she wished to speak on Item 16 - 16/505127 - 51 London Road, Maidstone, Kent.

Councillor English notified the Committee of Councillor Pickett's request that his written statement regarding application 16/505127 be read out to the Committee in his absence as a result of illness. The Committee agreed that the statement be read out.

It was noted that Councillor Willis had indicated his wish to speak on application 16/507471 but would be late in arriving at the meeting.

279. **ITEMS WITHDRAWN FROM THE AGENDA**

There were no items withdrawn from the agenda.

280. **DATE OF ADJOURNED MEETING - 9 FEBRUARY 2017**

The Chairman confirmed the date of the adjourned meeting, if required, was 9 February 2017.

281. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information that related to applications that were considered at the meeting.

282. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding application 16/506229 – 15 Greensands, Boxley, Kent, and intended to speak and vote when it was considered.

Councillor Hastie stated that she was the President of the Ringlestone Area Community Association, but she had left the room during the Association's discussions on application 16/507471 – Land Adj Royal Engineers Road, Maidstone, Kent.

283. DISCLOSURES OF LOBBYING

All Members stated they had been lobbied on Item 20 - 16/507471 - Land Adj Royal Engineers Road, Maidstone, Kent and Item 19 - 16/507292 - Newnham Park, Bearsted Road, Weaving, Kent.

All Members, except Councillors Hemsley, Hastie and Harwood, stated that they had been lobbied on Item 18 - 16/506707 – 57-59 Church Street, Tovil, Kent.

All Members, except Councillors Brice and Clark, stated that they had been lobbied on Item 16 - 16/505127 – 51 London Road, Maidstone, Kent.

284. EXEMPT ITEMS

**RESOLVED:** That the exempt Appendix to Item 20 - 16/507471 Land Adj Royal Engineers Road, Maidstone, Kent be considered in public, but the information contained therein should remain private.

285. MINUTES OF THE MEETING HELD ON 12 JANUARY 2017

**RESOLVED:** That the Minutes of the meeting held on 12 January 2017 be approved as a correct record and signed.

286. PRESENTATION OF PETITIONS

There were no petitions.

287. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE

APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE,  
HUNTON, KENT

The Development Manager advised Members that the Officer dealing with this application had left the employment of the Council. The application had been transferred to another Case Officer and negotiations were continuing.

16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI  
GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF  
LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER  
WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS  
AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY,  
MAIDSTONE, KENT

The Development Manager advised Members that he had nothing further to report on this application other than the applicant had been asked to provide further information.

288. 16/507471 - FULL PLANNING APPLICATION FOR THE DEVELOPMENT OF  
310 RESIDENTIAL UNITS, IN TWO BUILDINGS RANGING BETWEEN 8 AND  
18 STOREYS, INCLUDING 177SQM OF A1/D1/D2 FLOORSPACE,  
ASSOCIATED CAR PARKING, PUBLIC REALM AND LANDSCAPING WORKS -  
LAND ADJ ROYAL ENGINEERS ROAD, MAIDSTONE, KENT

The Committee considered the report and the consolidated urgent update report of the Head of Planning and Development.

Mr Owen, for objectors, Ms Buckland of the Ringlestone Area Community Association, Mr Burbante, for the applicant, and Councillor Willis (Visiting Member) addressed the Committee.

Councillor Willis (Visiting Member) arrived at 6.25 p.m., during consideration of this item.

**RESOLVED:**

1. That subject to the prior completion of a Section 106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:
  - A contribution of £9,515 (£30 per dwelling x 310) for Community Learning - towards the enhancement of St Faiths Adult Education Centre, St Faith's Street, Maidstone;
  - A contribution of £80,272 (£590 per 2 bedroom dwelling x 136) for Primary Education, towards the enhancement of North Borough Junior School or St Paul's Infant School (the Head of Planning and Development acting under delegated powers to finalise which school is the appropriate recipient of the primary education contribution);

- A contribution of £173,114 (£1272 per 2 bedroom dwelling x 136) for Secondary Education, towards phase 1 of the new Free School of Science and Technology, Valley Park, Maidstone opening September 2018;
- A contribution of £2,630 (£8 per dwelling x 310) for Youth Services, towards youth equipment for the new attendees at the Infozone Youth Centre, Maidstone;
- A contribution of £14,884 for Libraries (£48 per dwelling x 310), towards Kent History & Library Centre additional book stock;
- A contribution of £185,616 for Healthcare, to be invested in the Brewer Street Surgery;
- Details of the following to be submitted to and approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building:
  - a) Cycle storage and powered two wheeler (motorbikes) facilities
  - b) Car parking arrangements, including visitor parking and parking space allocation. Such arrangements to allow no permanent allocation of car parking space to any individual dwelling
  - c) The provision of car club car parking spaces
  - d) The provision of shared cycle provision
  - e) The provision of electric vehicle charging points
- The establishment of and funding for a delivery and monitoring group to include local Councillors and Officers;
- The materials shall be as set out in Appendix 2 to the Committee report, with samples to be submitted to and approved by the Local Planning Authority prior to development above the Damp Proof Course level, and details of a maintenance and management plan of how these materials/the building will be maintained for the lifetime of the development shall be provided to and agreed by the Local Planning Authority;
- A restriction requiring an appropriate sum of money, based on the uplift in value of the relevant unit, to be paid in lieu of affordable housing should that accommodation become owner occupied units ('Clawback Provision') for a period of not less than 10 years (the Head of Planning and Development acting under delegated powers to finalise the wording); and
- The provision of the open space as required under planning permission MA/05/2350 prior to occupation (the Head of Planning and Development acting under delegated powers to finalise the wording);

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the consolidated urgent update report with the deletion of conditions 2 and 15 as they will now be covered within the proposed Section 106 legal agreement.

2. That the Head of Planning and Development be given delegated powers to reallocate the Social Services contribution of £17,322 to community infrastructure, subject to a CIL compliance check.

Voting:        7 - For            5 - Against        1 - Abstention

289. 16/507292 - OUTLINE APPLICATION WITH ACCESS MATTERS CONSIDERED FOR DEVELOPMENT OF MEDICAL CAMPUS COMPRISING UP TO 92,379 M<sup>2</sup> OF ADDITIONAL FLOORSPACE INCLUDING ADDITIONAL HOSPITAL FACILITIES, CLINICS, CONSULTATION ROOMS AND A REHABILITATION CENTRE (CLASSES C2/D1); EDUCATION AND TRAINING FACILITIES WITH RESIDENTIAL ACCOMMODATION (CLASS C2/D1); KEYWORKER ACCOMMODATION FOR NURSES AND DOCTORS (CLASS C3); PATHOLOGY LABORATORIES (CLASS B1); BUSINESS USES (CLASS B1); ANCILLARY RETAIL SERVICES (CLASS A1, A2, A3); AND UP TO 116 BED CLASS C2 NEURO-REHABILITATION ACCOMMODATION; INTERNAL ROADS AND CAR PARKS, INCLUDING CAR PARK FOR RESIDENTS OF GIDDS POND COTTAGES; AND HARD AND SOFT LANDSCAPING INCLUDING CREATION OF A NATURE RESERVE (TO RENEW EXISTING CONSENT 13/1163) - NEWNHAM PARK, BEARSTED ROAD, WEAVERING, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Buckwell addressed the Committee on behalf of the applicant.

**RESOLVED:**

1. That subject to:
  - A. The expiry of the newspaper advertisement and no new material issues being raised; AND
  - B. The prior completion of a Section 106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:
    - The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%. This is to promote medical facilities, this being the reason for the draft allocation;

- The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package;
- A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings with appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre;
- Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by Officers);
- Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by Officers);
- A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway;
- A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years;
- A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates);
- The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan;
- The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings;
- The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site;
- Library contributions for the residential (C3) elements of £16,805.54;
- Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council; and

- Creation of the nature reserve and its implementation, maintenance, and management;

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report as amended by the urgent update reports.

2. That delegated powers be given to the Head of Planning and Development, in negotiation with the Interim Head of Legal Partnership, to ensure that the Section 106 obligations of the extant permission, which are to be carried forward into this planning permission, are fully compliant with the Community Infrastructure Levy Regulations 2010 and to make any minor amendments as necessary.
3. That the Reserved Matters Application must be brought back to this Committee for its consideration and determination.

Voting:      9 – For      3 - Against      1 - Abstention

290. 16/506707 - DEMOLITION OF OFFICE BUILDING AND CONSTRUCTION OF 12 DWELLINGS (FLATS AND HOUSES), CAR PARKING, CYCLE STORAGE AND AMENITY SPACE. (RESUBMISSION OF 16/503147/FULL) - 57 - 59 CHURCH STREET, TOVIL, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Smith of Tovil Parish Council and Councillor D Mortimer spoke in objection to the application. Mr Jell addressed the Committee on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision Members felt that:

The development by reason of its design, scale and site coverage, including cramped parking arrangements and a lack of landscaping, would result in an incongruous and cramped form of development that would be harmful to the character and appearance of the streetscene of Church Street contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

The development by reason of its height, expanse and proximity would have an overbearing and oppressive impact on the rear outlook of nos. 4 and 6 Albert Reed Gardens and would therefore be harmful to the living conditions of these properties contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

In the absence of an appropriate legal mechanism to secure necessary contributions towards local libraries, primary education, healthcare, and public open space, the impact of the development would be detrimental to

existing social infrastructure and therefore contrary to policy CF1 Maidstone Borough-Wide Local Plan 2000, and Council's Open Space DPD (2006).

**RESOLVED:**

1. That permission be refused for the following reasons:

The development by reason of its design, scale and site coverage, including cramped parking arrangements and a lack of landscaping, would result in an incongruous and cramped form of development that would be harmful to the character and appearance of the streetscene of Church Street contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

The development by reason of its height, expanse and proximity would have an overbearing and oppressive impact on the rear outlook of nos. 4 and 6 Albert Reed Gardens and would therefore be harmful to the living conditions of these properties contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

In the absence of an appropriate legal mechanism to secure necessary contributions towards local libraries, primary education, healthcare, and public open space, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 Maidstone Borough-Wide Local Plan 2000, and Council's Open Space DPD (2006).

2. That the Head of Planning and Development be granted delegated powers to negotiate suitable Section 106 planning obligations if an appeal is lodged with the Secretary of State for Communities and Local Government against the decision of the Borough Council to refuse the application.

Voting:      13 - For      0 - Against      0 - Abstentions

291. ADJOURNED MEETING

**RESOLVED:** That the following items be rolled over to the adjourned meeting on 9 February 2017:

- 15/504300 – Land North of 61 Knaves Acre, Headcorn, Kent
- 16/505113 – The Chances, Lughorse Lane, Hunton, Kent
- 16/505965 – The Chances, Lughorse Lane, Hunton, Kent
- 16/506229 – 15 Greensands, Boxley, Kent

292. 16/505127 - ERECTION OF 26 RESIDENTIAL FLATS WITH 20 PARKING SPACES AT BASEMENT LEVEL - 51 LONDON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Moss addressed the Committee on behalf of objectors. Councillor Harvey (Visiting Member) spoke in objection to the application, and Councillor English read a statement on behalf of Councillor Pickett also in objection to the application. Mr Ernest spoke on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision Members felt that:

The proposed development by reason of its design, bulk and massing fails to promote or reinforce local distinctiveness as set out in paragraph 64 of the National Planning Policy Framework 2012 and that the site is a high profile location on the approach to Maidstone Town Centre and as a result fails to achieve good design contrary to paragraph 60 of the National Planning Policy Framework 2012 and policy ENV21 of the Local Plan 2000.

The proposal, by reason of its siting, height, depth, scale and design, would represent a visually intrusive, overbearing and unneighbourly form of development and would result in an unreasonable loss of outlook and privacy to adjoining residential properties, contrary to the National Planning Policy Framework 2012.

In the absence of an appropriate legal mechanism to secure **40%** affordable housing and necessary contributions towards primary education, local libraries, parks and open space and health care within the local area, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), Open Space DPD (2006) and central government planning policy as set out in the National Planning Policy Framework 2012.

**RESOLVED:**

1. That permission be refused for the following reasons:

The proposed development by reason of its design, bulk and massing fails to promote or reinforce local distinctiveness as set out in paragraph 64 of the National Planning Policy Framework 2012 and that the site is a high profile location on the approach to Maidstone Town Centre and as a result fails to achieve good design contrary to paragraph 60 of the National Planning Policy Framework 2012 and policy ENV21 of the Local Plan 2000.

The proposal, by reason of its siting, height, depth, scale and design, would represent a visually intrusive, overbearing and unneighbourly form of development and would result in an unreasonable loss of outlook and privacy to adjoining residential properties, contrary to the National Planning Policy Framework 2012.

In the absence of an appropriate legal mechanism to secure **40%** affordable housing and necessary contributions towards primary education, local libraries, parks and open space and health care

within the local area, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), Open Space DPD (2006) and central government planning policy as set out in the National Planning Policy Framework 2012.

2. That the Head of Planning and Development be granted delegated powers to negotiate suitable Section 106 planning obligations if an appeal is lodged with the Secretary of State for Communities and Local Government against the decision of the Borough Council to refuse the application.

Voting:      13 - For      0 - Against      0 - Abstentions

293. LONG MEETING

During consideration of application 16/505127, the Committee:

**RESOLVED:** That the meeting should continue until 11.00 p.m. if necessary

294. DURATION OF MEETING

6:05 p.m. to 10:47 p.m.